

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION**

JOSE GARZA
Plaintiff,

VS.

PETRI, LLC,
Defendant.

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CIVIL ACTION NO. _____

NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

COME NOW, **PETRI, LLC**, Defendant in the above entitled and numbered cause, and, and files this their Notice of Removal of the present cause from the County Court at Law No. 9 of Hidalgo County, Texas, in which it is now pending, to the United States District Court for the Southern District of Texas, McAllen Division, showing the Court as follows:

1. This cause was commenced in the County Court at Law No. 9 of Hidalgo County, Texas on March 24, 2022, when Plaintiff's Original Petition was filed in Cause Number CL-22-0951-I. Copies of Plaintiff's Original Petition is attached hereto and incorporated herein for all purposes to this Notice of Removal.

2. Defendant Petri, LLC was served with a copy of Plaintiff's Original Petition by serving CT Corporation on March 25, 2022. A copy of the Service of Process Transmittal from CT Corporation indicating the date of service Defendant was served is attached and incorporated herein for all purposes.

3. This is a civil action for damages and injuries allegedly incurred by Plaintiff as a result of a work-related accident which occurred on or about March 16, 2020 in Pharr, Hidalgo County, Texas while in the course and scope of his employment with Petri, LLC.

Plaintiff alleges a cause of action for worker's compensation retaliation against Defendant Petri, LLC.

4. Plaintiff alleged in Plaintiff's Original Petition that he is a resident of Hidalgo County, Texas. Plaintiff is therefore citizens of Texas.

5. Plaintiff alleged in Plaintiff's Original Petition that Defendant Petri, LLC is a foreign limited liability company organed under the laws of the state of Louisiana and doing business in the State of Texas. Its' principal office is located at 1405 Commercial Drive, Port Allen, Louisiana 70767.

7. Defendant Petri, LLC is entitled to removal since there is complete diversity jurisdiction in this case under 28 U.S.C. § 1332(a) since the Plaintiff is not a citizen of the same state in which the Defendant was either incorporated in or the state in which it has its principle place of business. Safeco Ins. Co. v. City of White House, 36 F.3d 540, 545 (6th Cir. 1994); Getty Oil Corp. v. Insurance Co. of N. Am.; 841 F.2d 1254, 1258 (5th Cir. 1988); In re First Nat'l Bank; 70 F.3d 1184, 1188 (11th Cir. 1995); Indiana Hi-Rail Corp v. Decatur Junction Ry. 37 F.3d 363, 365 n.3 (7th Cir. 1994).

8. For the purposes of federal removal jurisdiction pursuant to 28 U.S.C. § 1441, complete diversity of citizenship existed at the time this lawsuit was filed and now exists between the adverse parties in the present cause.

9. Defendant Petri, LLC would show the Court that the amount in controversy exceeds \$75,000.00, exclusive of interest of costs.

10. Upon filing of this Notice of Removal of this cause, written notice of the filing by Defendant to Plaintiff and his counsel has been provided as required by law. A copy of this notice is also being filed with the Clerk of the State Court in which this cause was originally filed.

11. This Notice of Removal is timely filed in accordance with 28 U.S.C. § 1446(b), in that it is filed within thirty (30) days of service of Plaintiff's Original Petition on Defendant Petri, LLC and within one year of the initial filing of the lawsuit.

12. Defendant Petri, LLC hereby requests a trial by jury.

WHEREFORE, PREMISES CONSIDERED, Defendant prays for removal of the above entitled and numbered cause from the County Court at Law No. 9 of Hidalgo County, Texas to this Honorable Court.

Respectfully submitted,

ROERIG, OLIVEIRA & FISHER, L.L.P.

855 W. Price Road, Suite 9

Brownsville, Texas 78520

TEL/ (956) 542-5666

FAX/ (956) 542-0016

By: /s/ D. Alan Erwin, Jr.

D. ALAN ERWIN, JR.

State Bar No. 06653020

Federal I.D. No. 20471

Email: aerwin@roflp.com

RANDALL GOMEZ

Texas State Bar No. 24087599

Federal I.D. No. 3307537

Email: rgomez@roflp.com

JOHN DANIEL "J.D." VELA

Texas State Bar No. 24096635

Federal I.D. No. 3307542

Email: jdvela@roflp.com

Email: nancyg@roflp.com

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of April, 2022, a true and correct copy of the Notice of Removal has been electronically filed via CMECF and forwarded to all counsel of record in accordance with the Federal Rules of Civil Procedure.

Sergio S. Garza
Email: office@sergio.law
THE SERGIO S. GARZA LAW FIRM, P.L.L.C.
809 E. Esperanza Ave., Suite A
McAllen, Texas 78501

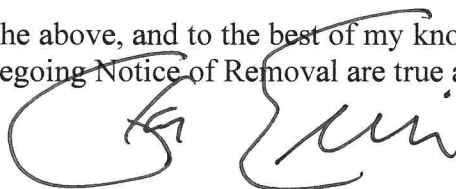
/s/ D. Alan Erwin, Jr.
D. ALAN ERWIN, JR.
Attorney at Law

VERIFICATION

THE STATE OF TEXAS §
 §
COUNTY OF CAMERON §

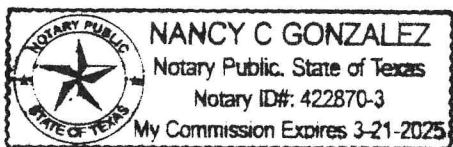
BEFORE ME, the undersigned authority on this day personally appeared **D. ALAN ERWIN, JR.** who being by me duly sworn, on his oath deposed as follows:

1. I am the attorney for **PETRI, LLC**, the Defendant in the above referenced cause.
2. I am fully authorized and competent to make this Affidavit.
3. I am familiar with the contents of the above, and to the best of my knowledge, the factual statements set out in the foregoing Notice of Removal are true and correct.



D. ALAN ERWIN, JR.

SUBSCRIBED AND SWORN TO BEFORE ME on this the 18th day of April, 2022.



NOTARY PUBLIC, STATE OF TEXAS

Skip to Main Content Logout My Account Search Menu New Civil Search Refine Search Back

Location : All Courts Images

REGISTER OF ACTIONS**CASE NO. CL-22-0951-1****Jose Garza VS. Petri, LLC**§
§
§
§
§Case Type: **Injury or Damage - Other (OCA)**Date Filed: **03/24/2022**Location: **County Court at Law #9****PARTY INFORMATION****Defendant** **Petri, LLC****Attorneys****Plaintiff** **Garza, Jose****SERGIO S GARZA**
Retained
956-354-1924(W)**EVENTS & ORDERS OF THE COURT****OTHER EVENTS AND HEARINGS**

03/24/2022 [Original Petition \(OCA\)](#)
Plaintiff's Original Petition

03/25/2022 [Citation Issued](#)
PETRI, LLC

03/28/2022 [Service Returned - Served](#)
PETRIN, LLC SERVED 03/25/2022

FINANCIAL INFORMATION

	Plaintiff Garza, Jose		
	Total Financial Assessment		358.00
	Total Payments and Credits		358.00
	Balance Due as of 04/14/2022		0.00
03/24/2022	Transaction Assessment		358.00
03/24/2022	EFile Payments from TexFile Receipt # 2022-003498	Garza, Jose	(221.00)
03/24/2022	State Credit		(137.00)

CAUSE NO. CL-22-0951-I

Jose Garza	§	In the County Court
<i>Plaintiff,</i>	§	
	§	
v.	§	at Law No. _____ of
	§	
Petrin, LLC,	§	
<i>Defendant.</i>	§	Hidalgo County, Texas

Plaintiff's Original Petition

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES **JOSE GARZA** and files this his Plaintiff's Original Petition complaining of and about **PETRIN, LLC**, and, for cause of action, would show the following:

I. Discovery Control Plan

Discovery is intended to be conducted under Level 2 as set forth at Rule 190.4 of the Texas Rules of Civil Procedure.

II. Parties

Plaintiff, Jose Garza, is an individual residing in Hidalgo County, Texas.

Defendant, Petrin, LLC, is a foreign limited liability company organized under the laws of the state of Louisiana and doing business in the state of Texas. Its principal office is located at 1405 Commercial Drive, Port Allen, Louisiana, 70767. It may be served with process in Texas by serving its registered agent, CT Corporation System, at 1999 Bryan St. Suite 900, Dallas, Texas, 75201.

CL-22-0951-I

III. Jurisdiction and Venue

The damages sought are within the jurisdictional limits of the Court. Plaintiff seeks monetary relief in the alternative as set forth at Rule 47(c)(1)-(5) of the Texas Rules of Civil Procedure. Plaintiff further demands judgment for all other relief to which he deems himself entitled.

Venue is proper in Hidalgo County, Texas, under Section 15.002(a)(1) of the Texas Civil Practice & Remedies Code in that all or a substantial part of the events or omissions giving rise to the claims occurred in Hidalgo County, Texas. See Tex. Civ. Prac. & Rem. Code Ann. § 15.002.

IV. General Allegations

Defendant, **PETRI, LLC**, ("**PETRI**") has been a subscriber of worker's compensation insurance at all times material to this action.

At all times relevant to this suit, Plaintiff, **JOSE GARZA** ("**JOSE**"), was employed by **PETRI**.

Throughout **JOSE's** employment with **PETRI**, **JOSE** was a good employee who did not receive any disciplinary actions whatsoever. He never received a warning, oral or written, a suspension, nor was he ever demoted.

JOSE began working for **PETRI** on or about March 7, 2020. He began working as a scaffold builder in the day shift, after he was recruited, and/or applied, from his residence in Pharr, Hidalgo County, Texas.

On or about March 16, 2020, **JOSE** was moved to the night shift.

CL-22-0951-I

Electronically Submitted
3/24/2022 4:05 PM
Hidalgo County Clerk
Accepted by: Gregorio Mata

On the first day working the night shift, **JOSE** was ordered by a supervisor to enter a large, empty vessel in order to build a structure for a welder who had to weld inside the said vessel. It was nighttime, and the inside of the vessel was poorly lit. The base of the vessel was not fully covered by any type of flooring. There was an uneven ground.

While working on erecting the scaffold, or structure, **JOSE** slipped on mud and water that had accumulated at the bottom of the vessel. He fell hard on his side, suffering injury.

JOSE was on the ground for about an hour because his co-workers and supervisors did not know how to get **JOSE** out of the vessel. Eventually, one of the plant operators working that shift—(not an employee of **PETRI**)—called an ambulance, and **JOSE** was taken to a nearby hospital. Thereafter, after being treated/examined by medical professionals, **JOSE** was given a ride back home by a local police officer—after nobody from **PETRI** was there to take **JOSE** back.

A workers' compensation claim was filed.

JOSE was treated by a physician, and, initially, **JOSE** was only able to return to work on light duty. At some point, he was told by a supervisor to “go home” if could not do the work.

On March 27, 2020, **JOSE's** medical restrictions were lifted, and he was able to fully return to work. Upon arriving at work, **JOSE's** employment was immediately terminated. As a result of his sudden employment termination, **JOSE** suffered damages.

CL-22-0951-I

Electronically Submitted
3/24/2022 4:05 PM
Hidalgo County Clerk
Accepted by: Gregorio Mata

V. Claims

Under Rule 48 of the Texas Rules of Civil Procedure, the following claims are alleged jointly and/or alternatively, with consistent and/or inconsistent facts and remedies. The claims are as follows:

Workers' Compensation Retaliation

JOSE GARZA incorporates the allegations contained in section IV. above as if fully set forth herein.

PETRI, LLC violated Section 451.001 of the Texas Labor Code by discharging **JOSE** because he notified his employer of his on-the-job injury and/or because he initiated the filing of a worker's compensation claim in good faith. Any other reason given by **PETRI** for **JOSE's** discharge is a mere pretext. **JOSE** suffered damages as a result of such violation.

JOSE seeks the maximum damages allowed by Section 451.002 of the Texas Labor Code and at common law.

JOSE's injuries resulted from **PETRI's** fraud and/or malice as set forth in Chapter 41 of the Texas Civil Practice & Remedies Code. See Tex. Civ. Prac. & Rem. Code § 41.001, et seq. Accordingly, **JOSE** is entitled to an award of exemplary damages in accordance with Texas law.

VI. Jury Demand

JOSE demands a trial by jury and hereby tenders the appropriate fee.

CL-22-0951-I

VII. Prayer

WHEREFORE, PREMISES CONSIDERED, Plaintiff, **JOSE GARZA**, respectfully prays that Defendant, **PETRI, LLC**, be cited to appear and answer, and that, upon final hearing, Plaintiff have final judgment against Defendant for the following relief:

- a) All reasonable damages;
- b) Lost earnings and employee benefits in the past, as well as lost earning and employee benefits that, in reasonable probability, will be lost in the future;
- c) Compensatory damages, past and future (which may include emotional pain and suffering, inconvenience, mental anguish, loss of enjoyment of life, and other non-pecuniary losses);
- d) Exemplary damages;
- e) Costs of suit as well as prejudgment and post-judgment interest at the maximum amount allowed by law; and
- f) All such other and further relief to which he may be justly entitled.

Respectfully Submitted,

THE SERGIO S. GARZA LAW FIRM,
P.L.L.C.

/s/ Sergio S. Garza
SERGIO S. GARZA
State Bar No. 24105988
809 E. Esperanza Ave., Ste. A
McAllen, Texas 78501
Tel.: (956)998-3400
office@sergio.law

COUNSEL FOR PLAINTIFF

Dated: March 24, 2022

Electronically Submitted
3/25/2022 11:46 AM
Hidalgo County Clerk
Accepted by: Reyna De La Garza

CAUSE NO. CL-22-0951-I

THE STATE OF TEXAS
COUNTY OF HIDALGO

NOTICE TO DEFENDANT: "You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served this citation and petition, a default judgment may be taken against you."

To: PETRI, LLC
MAY BE SERVED BY ITS REGISTERED AGENT:
CT CORPORATION SYSTEM,
1999 BRYAN ST. SUITE 900,
DALLAS TEXAS, 75201

GREETINGS: You are commanded to appear by filing a written answer to the Plaintiff's petition at or before 10 o'clock A.M. on or before the Monday next after the expiration of twenty (20) days after the date of service hereof, before the Honorable County Court At Law #9 of Hidalgo County, Texas, by and through the Hidalgo County Clerk at 100 N. Closner, First Floor, Edinburg, Texas 78539. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Said Plaintiff's Petition was filed in said Court, on the 24th day of March, 2022 in this Cause Numbered CL-22-0951-I on the docket of said Court, and styled,

JOSE GARZA
vs.
PETRI, LLC

The nature of Plaintiff's demand is fully shown by a true and correct copy of Plaintiff's Original Petition accompanying this Citation and made a part hereof.

NAME & ADDRESS OF ATTORNEY FOR PLAINTIFF:
SERGIO S GARZA
809 E ESPERANZA AVE STE A
MCALLEN TX 78501
(956) 998-3400

The officer executing this citation shall promptly serve the same according to requirements of law, and the mandates hereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL OF SAID COURT, at Edinburg, Texas this 25th day of March, 2022.



ARTURO GUAJARDO, JR.
COUNTY CLERK, HIDALGO COUNTY, TEXAS
100 N. CLOSNER
EDINBURG, TEXAS 78539
COUNTY COURT AT LAW #9

BY Reyna De La Garza DEPUTY
REYNA DE LA GARZA

Electronically Submitted
3/25/2022 11:46 AM
Hidalgo County Clerk
Accepted by: Reyna De La Garza

SHERIFF'S/CONSTABLE'S/CIVIL PROCESS

SHERIFF'S RETURN

Came to hand on the _____ day of _____, 20____, at _____ o'clock _____
M., by Deputy (Sheriff/Constable)/Civil Process Server and to-wit the following:

DEFENDANT SERVED

Service was EXECUTED on the above referenced Defendant, in person, in Hidalgo County, Texas and served with a true copy of this Citation, with the date of delivery endorsed thereon, together with the accompanying copy of the Plaintiff's Petition, at the following
Date, time, and place, to-wit:

NAME _____ DATE _____ TIME _____ PLACE _____

By: _____
CIVIL PROCESS SERVER

By: _____
DEPUTY SHERIFF/CONSTABLE

DEFENDANT NOT SERVED

Service was ATTEMPTED at the above address on the above referenced Defendant on the following date(s) and time(s), but to no avail:

NAME _____ DATE _____ TIME _____ PLACE _____

NAME _____ DATE _____ TIME _____ PLACE _____

NAME _____ DATE _____ TIME _____ PLACE _____

By: _____
CIVIL PROCESS SERVER

By: _____
DEPUTY SHERIFF/CONSTABLE

**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF,
CONSTABLE OR CLERK OF THE COURT**

In accordance to rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is _____, my date of birth is _____ and my address is _____
_____. I declare under penalty of perjury that the foregoing is true and correct

EXECUTED in _____ County, state of Texas, on the ____ day of _____, 20____.

DECLARANT

If Certified by the Supreme Court of Texas
Date of Expiration /SCH Number



**Service of Process
Transmittal**

03/25/2022

CT Log Number 541291064

TO: Brandon Politz
Brown & Root Industrial Services, Inc.
2600 CITIPLACE CT STE 500
BATON ROUGE, LA 70808-2720

RE: Process Served in Texas

FOR: PETRIN LLC (Domestic State: LA)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION:	Re: Jose Garza // To: PETRIN LLC
DOCUMENT(S) SERVED:	--
COURT/AGENCY:	None Specified Case # CL2209511
NATURE OF ACTION:	Personal Injury - Failure to Maintain Premises in a Safe Condition
ON WHOM PROCESS WAS SERVED:	C T Corporation System, Dallas, TX
DATE AND HOUR OF SERVICE:	By Process Server on 03/25/2022 at 14:47
JURISDICTION SERVED :	Texas
APPEARANCE OR ANSWER DUE:	None Specified
ATTORNEY(S) / SENDER(S):	None Specified
ACTION ITEMS:	SOP Papers with Transmittal, via UPS Next Day Air Image SOP Email Notification, Antoinette Nowacki antoinette.nowacki@brownandroot.com Email Notification, Brandon Politz brandon.politz@brownandroot.com Email Notification, KELLI CROPPER kelli.cropper@brownandroot.com
REGISTERED AGENT ADDRESS:	C T Corporation System 1999 Bryan Street Suite 900 Dallas, TX 75201 866-203-1500 DealTeam@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.



PROCESS SERVER DELIVERY DETAILS

Date: Fri, Mar 25, 2022

Server Name: Mauricio Segovia

Entity Served	PETRIN LLC
Case Number	CL-22-0951-1
Jurisdiction	TX



**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION**

JOSE GARZA
Plaintiff,

VS.

PETRI, LLC,
Defendant.

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CIVIL ACTION NO. _____

**NOTICE TO THE PLAINTIFF OF
FILING OF NOTICE OF REMOVAL**

TO: JOSE GARZA,
Plaintiff and his attorneys:

Sergio S. Garza
THE SERGIO S. GARZA LAW FIRM, P.L.L.C.
809 E. Esperanza Ave., Suite A
McAllen, Texas 78501

PURSUANT to Title 28 U.S.C., Section 1446(d), as amended, you are hereby notified that on the 18th day of April, 2022, in the above styled and numbered cause (being Cause Number CL-22-0951-I in the County Court at Law No. 9 of Hidalgo County, Texas), Petri, LLC filed its Notice of Removal in the United States District Court for the Southern District of Texas, McAllen Division. Copies of such Notice and other papers so filed are attached hereto.

Respectfully submitted,

ROERIG, OLIVEIRA & FISHER, L.L.P.

855 W. Price Road, Suite 9

Brownsville, Texas 78520

TEL/ (956) 542-5666

FAX/ (956) 542-0016

By: /s/ D. Alan Erwin, Jr.

D. ALAN ERWIN, JR.

State Bar No. 06653020

Federal I.D. No. 20471

Email: aerwin@roflp.com

RANDALL GOMEZ

Texas State Bar No. 24087599

Federal I.D. No. 3307537

Email: rgomez@roflp.com

JOHN DANIEL "J.D." VELA

Texas State Bar No. 24096635

Federal I.D. No. 3307542

Email: jdvela@roflp.com

Email: nancyg@roflp.com

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of April, 2022, a true and correct copy of the foregoing document has been electronically filed and forwarded to all counsel of record in accordance with the Texas Rules of Civil Procedure.

Sergio S. Garza

Email: office@sergio.law

THE SERGIO S. GARZA LAW FIRM, P.L.L.C.

809 E. Esperanza Ave., Suite A

McAllen, Texas 78501

/s/ D. Alan Erwin, Jr.

D. ALAN ERWIN, JR.

Attorney at Law

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION**

JOSE GARZA
Plaintiff,

VS.

PETRI, LLC,
Defendant.

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CIVIL ACTION NO. _____

**NOTICE TO THE DISTRICT CLERK OF
FILING OF NOTICE OF REMOVAL**

TO: HONORABLE LAURA HINOJOSA
Hidalgo County District Clerk
Hidalgo County Courthouse
100 N. Closner
Edinburg, Texas 78539

You will please take notice that Defendants Shane M. Pearson and Truckstar Inc. have filed in the United States District Court for the Southern District of Texas, McAllen Division, a notice of removal of the cause styled: Jose Garza v. Petri, LLC, originally filed in the County Court at Law No. 9 of Hidalgo County, Texas, Cause No. CL-22-0951-I, to the United States District Court for the Southern District of Texas, McAllen Division, and that a true and correct copy of said Notice of Removal is being filed with the Clerk of the County Court at Law No. 9 to thereby effect a removal to said District Court of the United States, and that the State Court shall proceed no further, unless the cause is remanded. A copy of said notice of removal is attached to this notice.

WITNESS the signature of Defendant, through its attorney, on this the 18th day of April, 2022.

Respectfully submitted,

ROERIG, OLIVEIRA & FISHER, L.L.P.

855 W. Price Road, Suite 9

Brownsville, Texas 78520

TEL/ (956) 542-5666

FAX/ (956) 542-0016

By: /s/ D. Alan Erwin, Jr.

D. ALAN ERWIN, JR.

State Bar No. 06653020

Federal I.D. No. 20471

Email: aerwin@roflp.com

RANDALL GOMEZ

Texas State Bar No. 24087599

Federal I.D. No. 3307537

Email: rgomez@roflp.com

JOHN DANIEL "J.D." VELA

Texas State Bar No. 24096635

Federal I.D. No. 3307542

Email: jdvela@roflp.com

Email: nancyg@roflp.com

ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of April, 2022, a true and correct copy of the foregoing document has been electronically filed and forwarded to all counsel of record in accordance with the Texas Rules of Civil Procedure.

Sergio S. Garza

Email: office@sergio.law

THE SERGIO S. GARZA LAW FIRM, P.L.L.C.

809 E. Esperanza Ave., Suite A

McAllen, Texas 78501

/s/ D. Alan Erwin, Jr.

D. ALAN ERWIN, JR.

Attorney at Law

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION**

JOSE GARZA
Plaintiff,

VS.

PETRI, LLC,
Defendant.

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CIVIL ACTION NO. _____

INDEX OF ATTORNEYS

1. Sergio S. Garza
Email: office@sergio.law
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809 E. Esperanza Ave., Suite A
McAllen, Texas 78501
TEL/ (210) 293-1000
FAX/ (210) 870-1475
ATTORNEYS FOR PLAINTIFFS
2. D. Alan Erwin, Jr.
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Email: aerwin@roflp.com
Randall Gomez
Texas State Bar No. 24087599
Federal I.D. No. 3307537
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TEL/ (956) 542-5666
FAX/ (956) 542-0016
ATTORNEY FOR DEFENDANTS

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION**

JOSE GARZA
Plaintiff,

VS.

PETRI, LLC,
Defendant.

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CIVIL ACTION NO. _____

INDEX OF DOCUMENTS FILED

1. Civil Cover Sheet
2. Notice of Removal with following attachments:
 - a. State Court's Docket Sheet
 - b. Plaintiff's Original Petition
 - c. Citation – Executed Service to Petri, LLC
 - d. Notice of Service to Petri, LLC
3. Notice to Plaintiff of Filing of Notice of Removal
4. Notice to District Clerk of Filing Notice of Removal
5. Index of Attorneys
6. Index of Documents Filed
7. Order for Conference and Disclosure of Interested Parties

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION

JOSE GARZA,
Plaintiff,

VS.

PETRI, LLC,
Defendant.

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CIVIL ACTION NO. _____

ORDER FOR CONFERENCE AND DISCLOSURE OF INTERESTED PARTIES

1. Counsel shall appear for an initial pretrial and scheduling conference before
U.S. Judge _____
on _____, 2022, at _____ o'clock _____m.
at the United States District Courthouse
McAllen, Texas
(conference may be held telephonically if requested)
2. Counsel shall prepare and file with the clerk within fifteen days from receipt of this order a certificate listing all persons, associations of persons, firms, partnerships, corporations, affiliates, parent corporations, or other entities that are financially interested in the outcome of this litigation. If group can be specified by a general description, individual listing is not necessary. Underline the name of each corporation whose securities are publicly traded. If new parties are added or if additional persons or entities that are financially interested in the outcome of the litigation are identified at any time during the pending of this litigation, then each counsel shall promptly file an amended certificate with the clerk.
3. Fed. R. Civ. P. 4(m) requires defendant(s) to be served within 120 days after the filing of the complaint. The failure of plaintiff(s) to file proof of service within 120 days after the filing of the complaint may result in dismissal of this action by the court on its own initiative.

4. After the parties meet as required by Fed. R. Civ. P. 26(f), counsel shall prepare and file not less than 10 days before the conference, a joint report of meeting and joint discovery/case management plan containing the information required on the attached form.
5. The Court will enter a scheduling order and may rule on any pending motions at the conference.
6. Counsel who file(s) or remove(s) an action ***is responsible for providing the other parties with a copy of this order and in addition*** must serve a copy of this order with the summons and complaint or with the notice of removal.
7. Attendance by an attorney who has authority to bind the party is required at the conference.
8. Counsel shall discuss with their clients and each other whether alternative dispute resolution is appropriate and at the conference shall advise the Court of the results of their discussions.
9. A person litigating prose is bound by the requirements imposed upon counsel in this Order.
10. Failure to comply with this order may result in sanctions, including dismissal of the action and assessment of fees and costs.

By Order of the Court